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2 **REMARKS**

3 Claims 1-17 were originally submitted.

4 Claims 1-17 are rejected under the nonstatutory judicially created doctrine
5 of double patenting over claims 1-8 of U.S. Patent 6,675,215.

6 Claims 1, 10, 11, 12, 14, 16, and 17 have been amended.

7 Claim 3 has been canceled.

8 Claims 1-17 are rejected under 35 U.S.C. §102(b) as being anticipated by
9 U.S. Patent No. 5,490,209 to Kennedy et al (Kennedy).

10 Claims 1, 2, and 4-17 remain in this application.

11
12 **35 U.S.C. §102**

13 Claims 1-17 are rejected under 35 U.S.C. §102(b) as being anticipated by
14 U.S. Patent No. 5,490,209 to Kennedy et al (Kennedy). Applicant respectfully
15 traverses the rejection of the claims. Claim 1 has been amended, and claim 3 has
16 been canceled.

17 **Amended independent claim 1** recites in part “computer-executable
18 instructions to listen at the second baud rate for the predefined message in an event
19 that error characters not forming part of the predefined message are received at the
20 first baud rate”.

21 Kennedy fails to disclose or teach the operating system of claim 1.
22 Kennedy describes an autobaud detection mechanism that starts at a default baud
23 rate and steps through lower baud rates searching for a baud rate in which a remote
24 device is transmitting. An incoming call initiates the process described in
25 Kennedy. The incoming call may be any message and is not known by the

1 receiving device. When the incoming call is received, respective data bits of the
2 received data are examined for transmission errors. If a transmission error is
3 detected, the baud rate is stepped to the next lowest baud rate. (See Abstract of
4 Kennedy).

5 When the incoming call is received, the respective bits of the received data
6 which may be a potentially valid character or message, are stored and the received
7 data pattern is analyzed for the presence of transmission errors such as framing,
8 parity, and overrun. (See col. 2, lines 26-31 of Kennedy).

9 If a transmission error is detected, it is inferred that what has been received
10 is not a valid character at the current (i.e., initial default) baud rate setting. The
11 baud rate is then incremented (decremented) to step to the next lowest baud rate.
12 (See col. 2, lines 31-34 of Kennedy).

13 If no transmission error has been detected, it is assumed that the received
14 message is a potentially valid character at the present baud rate setting. The stored
15 bit compositions (specifically, a bit composition that represents a reference
16 character if such a reference character was transmitted as part of the received
17 message) from the received message are compared with a prescribed reference
18 character described in Kennedy as a "carriage return". If the serial composition of
19 the two compared data bit patterns match, an inference is made that the remote site
20 is transmitting at the current baud rate setting and the receiving device locks the
21 baud rate at the particular baud rate setting for the remainder of the call. (See col.
22 2, lines 36-44 of Kennedy).

23 When the autobaud detection routine (i.e., process) has stepped to a new
24 baud entry, the routine initiates a prescribed time-out. Within the time out period,
25 if the receiving device does not receive a further bit pattern, the receiving device

1 reverts to the default baud rate setting and reinitiates the autobaud detection
2 routine. (See col. 2, lines 52-60 of Kennedy).

3 Claim 1 recites “listen at first baud rate for a predefined message from the
4 client computing device”. The Examiner’s position is that the “potentially valid
5 character”, which by example may be a carriage return, as taught in Kennedy is the
6 same as the claimed “predefined message”. Furthermore, the Examiner states
7 “[t]here is a difference between a message and a character in terms of their length.
8 However, the length of the message is not a factor in both inventions. Even
9 though, they might have different lengths, but they still serve the same purpose,
10 detecting the baud rate”. Claim 1 has been amended to further recite “computer-
11 executable instructions to listen at the second baud rate for the predefined message
12 in an event that error characters not forming part of the predefined message are
13 received at the first baud rate”.

14 Contrary to the Examiner’s position, the length of the message is a factor.
15 If a single potentially valid character such as a character return is used, it cannot
16 include other characters. Other characters include both correct and error
17 characters. In other words, the use of a single character as a “predefined message”
18 precludes detecting error characters that may be in the predefined message.

19 Accordingly, Kennedy does not show every element of claim 1, and the
20 rejection of claim 1 is therefore improper. Accordingly, Applicant respectfully
21 requests that the §102 rejection of claim 1 be withdrawn.

22 **Claims 2, 4-6** are allowable based at the least on their dependency on claim
23 1. Accordingly, Applicants respectfully request that the §102 rejection of claims
24 2-6 be withdrawn.

1 **Independent claim 7** recites in part “computer-executable instructions to
2 listen at a first baud rate at which a predefined message might be sent from the
3 client computing device over the serial connection; and computer-executable
4 instructions to switch to listening at a second baud rate if one of the following
5 events occurs: (1) characters not included in the predefined message are received,
6 or (2) a predetermined timeout period expires without successful receipt of the
7 predefined message”.

8 As discussed above, Kennedy teaches the use of a single potentially valid
9 character that includes only one character. Error characters in the single
10 potentially valid character can never be detected. Therefore, Kennedy does not
11 teach “to switch to listening at a second baud rate if one of the following events
12 occurs: (1) characters not included in the predefined message are received” as
13 recited in claim 7.

14 Accordingly, Kennedy does not show every element of claim 7, and the
15 rejection of claim 7 is therefore improper. Accordingly, Applicant respectfully
16 requests that the §102 rejection of claim 7 be withdrawn.

17 **Claims 8-9** are allowable based at the least on their dependency on claim 7.
18 Accordingly, Applicants respectfully request that the §102 rejection of claims 8-9
19 be withdrawn.

20 **Independent claim 10** recites in part “listening at a first of multiple baud
21 rates for a predefined message to be sent by a client computing device over a serial
22 connection to a host computer; in an event that characters not included as part of
23 the message are received or the message is not detected within a predetermined
24 time period, listening at a second of the baud rates for the message”.

1 As discussed above, Kennedy does not teach or disclose a predefined
2 message that includes more than one character, and therefore does not allow
3 listening at a second baud rate if error characters are found in the predefined
4 message.

5 Accordingly, Kennedy does not show every element of claim 10, and the
6 rejection of claim 10 is therefore improper. Accordingly, Applicant respectfully
7 requests that the §102 rejection of claim 10 be withdrawn.

8 **Claims 11-13** are allowable based at the least on their dependency on claim
9 10. Accordingly, Applicants respectfully request that the §102 rejection of claims
10 11-13 be withdrawn.

11 **Amended independent claim 14** recites in part “automatically adjusting
12 the baud rate in an event that error characters in the predefined message are
13 detected”.

14 As discussed above, Kennedy does not teach or disclose a predefined
15 message that can include more than one character. The potentially valid character
16 taught in Kennedy cannot include error characters.

17 Accordingly, Kennedy does not show every element of claim 14, and the
18 rejection of claim 14 is therefore improper. Accordingly, Applicant respectfully
19 requests that the §102 rejection of claim 14 be withdrawn.

20 **Claims 15-16** are allowable based at the least on their dependency on claim
21 14. Accordingly, Applicants respectfully request that the §102 rejection of claims
22 15-16 be withdrawn.

23 Claim 16 is additionally allowable for reasons similar to those presented
24 above in support of claim 4.
25


1 **Amended independent claim 17** recites in part “in an event that the error
2 characters in the predefined message are received, selecting another of the baud
3 rates”.

4 As discussed above, Kennedy does not teach or disclose a predefined
5 message that can include more than one character. The potentially valid character
6 taught in Kennedy cannot include error characters.

7 Accordingly, Kennedy does not show every element of claim 17, and the
8 rejection of claim 17 is therefore improper. Accordingly, Applicant respectfully
9 requests that the §102 rejection of claim 17 be withdrawn.
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Respectfully Submitted,
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